

SENATE BILL REPORT

SHB 1759

As Reported By Senate Committee On:
Health & Long-Term Care, February 28, 2002

Title: An act relating to the sale of hypodermic syringes.

Brief Description: Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood).

Brief History:

Committee Activity: Health & Long-Term Care: 3/22/01, 3/28/01 [DP]; 2/25/02, 2/28/02[DPA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Staff: Tanya Karwaki (786-7447)

Background: Approximately 41,000 injection drug users reside in Washington. Injection drug users are at high risk for contracting blood borne infections, including HIV and hepatitis B and C virus. The sharing and reuse of syringes and needles contributes to the transmission of these diseases. In 2000, the Governor's Advisory Council on HIV/AIDS and the Governor's Council on Substance Abuse recommended allowing access to sterile syringes as a way to reduce the spread of blood-borne infections among injection drug users.

Currently in Washington, a person is guilty of a misdemeanor if they "possess with intent to deliver" drug paraphernalia, including hypodermic syringes and needles used for injecting controlled substances. The sale or distribution of drug paraphernalia is also prohibited, except for the distribution of syringe equipment through public health and community based HIV prevention programs. When retailers sell syringes and needles for the use of drugs by injection, the retailers must "satisfy" themselves that the device will be used "for the legal use intended."

Summary of Amended Bill: Persons over the age of 18 may possess sterile syringes and needles for the purpose of reducing bloodborne diseases. Injection syringe equipment may be distributed through pharmacies.

Retailers are not required to sell needles or syringes to any person. The sale of sterile syringes and needles for the purpose of reducing the transmission of bloodborne diseases is a legal use for the equipment. Sales are limited to individuals over 18 years of age.

Participating retailers must provide materials relating to drug prevention and treatment and safe disposal techniques at the point of sale.

The ability of persons to purchase or possess needles or syringes for administering medications, or other legal purposes, is not limited.

Amended Bill Compared to Substitute Bill: The amendment clarifies that the act not limit the ability of persons to purchase or possess hypodermic needles or syringes for administering medications or other legal purposes. It requires that participating retailers provide materials relating to drug prevention and treatment and safe syringe disposal techniques. In addition, it removes references to a maximum number of syringes to be sold and removes references to safety syringes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Ensuring access to clean syringes is the simplest means of reducing the spread of HIV and other bloodborne infections among injection drug users. Access to sterile syringes is limited in Washington, even in communities with legally-sanctioned needle exchange programs, due to state laws prohibiting the pharmaceutical sale of syringes and paraphernalia laws that regulate their possession, distribution, and sale. Pharmacies have indicated that they are ready to implement the bill. Clarification is requested that the act does not prohibit the sale, possession, or purchase of syringes for administering medications or other legal purposes.

Testimony Against: None.

Testified: Representative Darneille, prime sponsor (pro); Gail McGaffick, Washington Association of Diabetes Educators (pro with clarifying amendment); Jan Wolfram, Washington Association of Diabetes Educators (pro with clarifying amendment).